

Remarks

1. Summary of Office Action

In the office action mailed September 17, 2004 the Examiner rejected claims 1-19 under 25 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,434,950 (Kallman et al.)

2. Status of Claims

Applicant has cancelled claims 1-4. Presently pending are claims 5-19, of which claims 5, 17, 18, and 19 are independent and the remainder are dependent.

3. Response to Rejections

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant respectfully traverses the rejections of claims 5-19, because Kallman does not disclose or suggest each and every element of any of these claims.

a. Independent Claim 5

The presently claimed invention is directed to a method and system for establishing an active set for a mobile station operating in a cellular wireless network. As recited in claim 5, the invention involves determining the physical position of a mobile station, establishing a proposed set of active sectors, and using the physical position of the mobile station as a basis to select a subset of active sectors from the proposed set of active sectors, the subset of active sectors defining the active set.

Kallman teaches a method and system for making handover decisions in a radio communication network having a number of fixed base stations and a number of mobile units (column 1, lines 55-60). Based on the Applicant's review, it appears that Kallman's system

involves the functions of (i) determining the geographic position of a mobile station, (ii) using the geographic position and the direction of movement of the mobile radio unit to establish a list of radio base stations eligible for communicating with the mobile radio unit, and (iii) using history and hysteresis to decide whether or not a mobile radio unit should change radio base stations.

Upon close review, however, Applicant does not find in Kallman the specific combination of elements recited in claim 5. As a minimum, for instance, Applicant does not find in Kallman the element of using the physical position of the mobile station as a basis to select a subset of active sectors from a proposed set of active sectors, where the subset of active sectors defines the active set, as recited specifically in claim 5.

Kallman teaches using the geographic position of a mobile station and the direction of movement of the mobile station to determine a priority list of radio base stations (col. 3, lines 39-43), and then using *history* of previous handoffs (col. 5, lines 16-24) and *hysteresis* regarding handoff benefits (col. 5, lines 25-33) to reach a decision of whether or not a handoff should be made. However, Applicant does not find in Kallman any teaching that the history and hysteresis considerations involve use of physical position or that the mobile station's physical position is used as a basis to select a subset of sectors from a proposed set of sectors.

Because Kallman does not teach or suggest all of the elements recited in claim 5, Kallman fails to anticipate claim 5 under § 102.

b. Dependent Claims 6-16

Claims 6-16 depend from claim 5 and necessarily incorporate all of the elements of claim 5. As noted above, Kallman does not teach all of the elements recited in claim 5. It follows that Kallman also fails to anticipate claims 6-16.

Additionally, claim 12 adds that using the physical position of the mobile station as a basis to select the subset of active sectors comprises selecting from the proposed set of active sectors two sectors to which the mobile station is closest. Thus, the invention as recited by claim 12 involves first establishing a proposed set of active sectors and then selecting from the proposed set of active sectors two sectors to which the mobile station is closest.

Kallman does not teach selecting from the proposed set of active sectors two sectors to which the mobile station is closest. At best, Kallman teaches using position to create a proposed set (col. 3, lines 29-42) of active sectors, and then uses history and hysteresis to make a *Boolean* decision whether or not the mobile station should switch mobile base stations (col. 5, lines 15-33). However, Kallman does not specify that considering history and hysteresis involves selecting two sectors to which the mobile station is closest. For this additional reason, Kallman fails to anticipate the invention of claim 12.

c. Independent Claim 17

Independent claim 17, like dependent claim 12, recites determining a physical position of the mobile station, establishing a set of sectors, and selecting from the set two sectors to which the mobile station is closest. For at least the same reasons that Kallman fails to anticipate claim 12, Applicant thus submits that Kallman fails to anticipate claim 17.

d. Independent Claims 18 and 19

Independent claims 18 and 19, like independent claim 5, each recite the functions of determining the physical position of a mobile station, establishing a proposed set of active sectors, and using the determined mobile station's physical position as a basis to select a subset of active sectors from the proposed set of active sectors. For at least the same reasons that Kallman fails to anticipate claim 5, Applicant thus submits that Kallman also fails to anticipate claims 18 and 19.


4. Conclusion

Because Kallman fails to disclose all of the elements of any of Applicant's claims 5-19, Applicant respectfully submits that claims 5-19 are in condition for allowance. Applicant therefore respectfully requests favorable reconsideration. Should the Examiner wish to discuss this case, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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